

**PHARMACY EXAMINING BOARD  
MADISON, WI  
MINUTES  
MARCH 3, 2004**

**PRESENT:** John Bohlman, R.Ph.; Georgina Forbes; Daniel Luce, R.Ph.; Susan Sutter, R.Ph., and Charlotte Rasmussen

**STAFF PRESENT:** Tom Ryan, Bureau Director; William Black, Legal Counsel; Pat Schenck, Program Assistant

**EXCUSED:** Michael Bettiga, R.Ph., and Cynthia Benning, R.Ph

**GUESTS:** Anita Weier, The Capital Times; Michelle Bergholz Frazier; Von Briesen & Roper, S.C.; Jeremy Levin, Wisconsin Medical Society; John Sutter, Marshland Pharmacies

**CALL TO ORDER**

Susan Sutter, Vice Chair, called the meeting to order at 2:30 p.m. A quorum of five members was present.

**AGENDA**

**MOTION:** Dan Luce moved, seconded by John Bohlman, to adopt the agenda as written. Motion carried unanimously.

**CANADIAN REIMPORTATION - DISCUSSION**

Mike Bettiga, Chair, has been invited to meet with the Governor's office regarding Canadian reimportation. Mr. Bettiga has requested suggestions from the Board on issues to be addressed with the Governor's office on March 10, 2004.

Susan Sutter stated that the three issues she would like the Board to discuss are:

1. How would the Board like Mr. Bettiga to approach the Canadian Reimportation issue with the Governor's office?
2. Resolve whether a press release drafted by Susan Sutter and Mike Bettiga last week should be released by the Pharmacy Examining Board today.
3. LRB resolution circulated concerning Canadian reimportation. Ms. Sutter would like the Board to take an official position on the resolution.

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Bill Black reported that a nuclear pharmacy recently submitted a variance request to the Board expressing a wish to open in April. Mr. Black reminded attendees that the Board does not have a meeting scheduled in March. Tom Ryan then advised the Board that because the issue was not noticed, discussion would not be proper, but noted that Michael Bettiga, Chair, recently sent a letter to the legislature regarding applications being delayed because of less frequent meetings due to budget constraints.

Susan Sutter reported that she presented testimony before the Senate Committee on Health, Children, Families, Aging and Long Term Care on February 19, 2004 regarding the Senate Joint Resolution. Prior to her testimony, DHFS Secretary Helene Nelson testified that Governor Doyle sent a team of seven individuals, including three representatives of the DHFS, two representatives from the Department of Administration, and two representatives from the Department of Regulation and Licensing to conduct evaluations of three selected pharmacies that appear on Governor Doyle's website. The Pharmacy Board was not consulted prior to the Governor sending a team to Canada and the Board felt that Governor Doyle should have consulted with the Pharmacy Examining Board prior to sending the team.

Ms. Sutter requested a written report from Deputy Secretary Mary Schlaefter on the team's evaluation of the Canadian pharmacies operations. Deputy Schlaefter distributed a copy to Ms. Sutter.

It was noted that one team member testified that the three pharmacies they evaluated were A+ pharmacies that functioned as well or better than some pharmacies in Wisconsin.

The Board questioned whether the team members are qualified to evaluate the safety issues, the quality of pharmaceutical services from a licensing and regulatory standard, or have the capabilities to determine if the drugs from Canada are safe. The Board noted further that the State is responsible for practice standards and that the Federal Drug Enforcement Administration is responsible for the safety of drug products.

Tom Ryan reported that press releases are typically reviewed by the Governor's office prior to release. Mr. Ryan stated that he understood that Mike Bettiga's intention was to revoke the press release.

**MOTION:** Dan Luce moved, seconded by Charlotte Rasmussen, to affirm that the press release reflects the wishes and concerns of the Board. Motion taken by roll call: John Bohlman-yes, Georgina Forbes-yes, Dan Luce-yes, Charlotte Rasmussen-yes, Susan Sutter-yes. Motion carried unanimously.

**MOTION:** John Bohlman moved seconded by Dan Luce, in favor of the press release being released on this date on Department of Regulation and Licensing letterhead without the Governor's name from the Department of Regulation and Licensing. In addition, the Board moved in favor of a notation that it

was approved by unanimous vote by the Pharmacy Examining Board on March 3, 2004 at 3:00 p.m. Georgina Forbes opposed. Motion carried

The Board discussed 2003 Senate Joint Resolution LRB-3402/1. The Board is in favor of reduced drug prices and securing cost effective medications for the citizens of Wisconsin in an organized fashion under the rule of law.

**MOTION:** John Bohlman moved, seconded Dan Luce, in favor of supporting LRB-3402/1. Motion taken by roll call: John Bohlman-yes, Georgina Forbes-yes, Dan Luce-yes, Charlotte Rasmussen-yes, and Susan Sutter-yes. Motion carried unanimously.

The Board discussed and listed seven items for Mr. Bettiga to address with the Governor's Office on March 10, 2004.

1. Bypassing the Pharmacy Examining Board with the trip to Canada;
2. Websites verses storefronts;
3. Controlling costs within the rule of law;
4. International trade;
5. Consensus conference or summit to address safety issues that need to be addressed by the FDA. Work through the pharmaceutical delivery system in Wisconsin;
6. Terrorism;
7. Per Bill Black, were the Pharmacies specifically asked, and did the pharmacies specifically respond as to whether they had two separate drug supplies: (1) Health Canada numbers coded on the drug supplies; and (2) stock with the American identification numbering system. From which stock did they fill the U.S. prescriptions? Did they ask this question?

**MOTION:** Dan Luce moved, seconded by Charlotte Rasmussen, in favor of Mike Bettiga discussing the seven items above with the Governor. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Dan Luce moved, seconded by John Bohlman, to adjourn the meeting at 3:30 p.m. Motion carried unanimously.